

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. CONRAD. (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN:

S. Res. 78. A resolution to request the President to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day," and for other purposes; considered and agreed to.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM):

S. Con. Res. 6. A concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WETLANDS REFORM LEGISLATION

Mr. DASCHLE. Mr. President, in 1985, as part of the farm bill, Congress enacted landmark legislation to protect America's wetlands. The swampbuster provision, as it is called, significantly reduced artificial incentives to drain agricultural wetlands.

In 1990, Congress reauthorized the farm bill. In the process, it evaluated problems that emerged from the implementation of the swampbuster provision and modified the law to meet those concerns.

It is now time for Congress to pass a new multiyear farm bill. Once again, this exercise provides an opportunity to address legitimate problems in wetlands policy.

Let me be clear. America's agricultural producers understand the need

for wetlands conservation. Farmers accept that agricultural wetlands provide critical habitat for birds, animals and plants, and supply a mix of other benefits such as water storage, water purification and aesthetics that often decline when wetlands are altered.

But farmers are also rightfully concerned about the arbitrary way in which certain wetlands regulations are enforced by the USDA. And so am I.

I've spoken with farmers all across South Dakota who are deeply frustrated by the inflexibility of certain USDA wetlands regulations. I've heard horror stories about farmers who have been slapped with huge fines—ruinous fines—for unintentional and accidental violations of the law.

I've looked into many of these claims and found the complaints to be legitimate. Farmers have been penalized unfairly because of the inflexibility of agricultural wetlands policy. And some of the problems are a result of a lack of agreement between various Federal agencies regarding the intent of the swampbuster legislation.

The vast majority of farmers are doing everything they know how to preserve wetlands. They understand it is in their interest to do so. But no one can comply with regulations if they cannot understand them, or if the agencies responsible for enforcing them can't agree on policy.

The bill we are introducing today establishes a simpler, more flexible agricultural wetlands policy. It provides a reasonable, commonsense approach to real problems that farmers face while at the same time protecting our Nation's precious wetlands.

Our legislation addresses three major problems. First, it simplifies the rules under which farmers may mitigate wetlands.

Second, it reforms the penalty system to distinguish between inadvertent or accidental damage and willful destruction of wetlands.

And third, it provides farmers who voluntarily agree to conserve wetlands with a fair return from their land.

Under the current law, farmers are allowed to move and replace an existing wetland, but only if they agree to restore a wetland that had been drained prior to December 31, 1985. This process is called mitigation.

The new law extends this option to agricultural wetlands that are frequently farmed but were not drained before 1985. It will add flexibility for producers by giving them another option to choose from while still protecting valuable wetlands.

That's the first section of this bill.

The bill also makes a distinction between accidental and willful harm to wetlands. As many of you know, the penalties for wetlands violations—even minor violations—sometimes are so harsh that they can literally force farmers out of business. I spoke with one South Dakota farmer, for instance, who was going to be fined \$97,000 because someone else had driven a trac-

tor through a wetlands area on his farm without his knowledge or consent. The tractor had caused deep ruts and altered the condition of the wetland.

Fortunately, the USDA agreed to reduce the fine if the farmer restored the property to its original condition. However, he still had to pay a fine of \$2,000 for a violation he did not commit.

This bill reduces the penalty for first-time violations if—and only if—the producer acted in good faith. Instead of being subjected to huge fines, the farmer would be required to restore the wetland to its former condition. The proposal would still deal firmly with repeat violators by subjecting them to graduated fines up to \$10,000. And those who willfully destroy wetlands would face repayment of program benefits and expulsion from future farm programs.

Finally, this legislation gives farmers who voluntarily retire some of their acreage a fair return for their land by permitting them to enroll wetlands in the Federal Conservation Reserve Program. Farming is risky business that often operates on narrow profit margins. Farmers cannot afford to retire productive acreage without receiving some compensation.

Mr. President, our proposal is based on the original intent of the Swampbuster legislation, which was to encourage producers to do the right thing, not to drive them out of business. We can protect America's fragile wetlands without ruining producers financially or punishing them unjustly. The key is sensible, flexible regulations that motivate, rather than discourage, compliance. This legislation meets that test, and I hope that the appropriate congressional committees will give it timely and serious consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION OF CROPPED WETLAND.

(a) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended—

(1) in subsection (f)(2), by inserting after "1985," the following: "through the enhancement of cropped wetland described in section 1231(b)(4)(F), or through the creation of a wetland,"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "may be reduced under paragraph (2)" and inserting "shall be waived";

(B) by striking paragraph (2) and inserting the following:

"(2) GRADUATED SANCTIONS.—In lieu of making a person ineligible under section 1221, the Secretary shall reduce by not less than \$750 nor more than \$10,000, depending on the degree to which wetland functions and values have been impaired by the violation